Yuk K. Law, Esq. (SBN: 138928)
ylaw@lawbrandmeyer.com
LAW + BRANDMEYER LLP
245 S. Los Robles Avenue, Suite 600
Pasadena, CA 91101
(626) 243-5500 Telephone
(626) 243-4799 Facsimile

Attorneys for Defendants
ERIC ANDERSON, M.D. and FREMONT EMERGENCY SERVICES, INC.
(erroneously sued and served herein as FREEMONT EMERGENCY SERVICE, INC.)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOAN G. LOZOYA, Plaintiff, v. ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL; FREEMONT EMERGENCY SERVICE, INC.; ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive, Defendants.	CASE NO. 07CV-2148IEG (WMC) **ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL OF DEFENDANTS ERIC ANDERSON, M.D. AND FREMONT EMERGENCY SERVICES, INC.**

COME NOW Defendants ERIC ANDERSON, M.D., and FREMONT EMERGENCY SERVICES, INC., and answer the Second Amended Complaint for themselves alone and for no other defendants, and admit, deny, and allege as follows:

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ANSWERING THE ALLEGATIONS OF PARAGRAPH 1:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 2:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 3:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 4:

Defendants admit that in November 2006 ERIC ANDERSON, M.D. was a physician licensed to do business and practice medicine in Clark County, State of Nevada.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 5:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 6:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 7:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 8:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 as it is unintelligible as stated and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 9:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 10:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 11:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 12:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 13:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 and, based thereon, denies each and every allegation contained therein.

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ANSWERING THE ALLEGATIONS OF PARAGRAPH 14:

These defendants admit ERIC ANDERSON, M.D. saw plaintiff, JOAN G. LOZOYA at Mountain View Hospital on or about November 8, 2006. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation regarding LINDSY BLAKE, M.D.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 15:

These defendants admit plaintiff was given pain medication and a shoulder immobilizer. These defendants are without knowledge or information sufficient to form a belief as to the truth of the other allegations contained in paragraph 15 and, based thereon, denies each and every allegation contained therein. Furthermore, these defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL and HOSPITAL CORPORATION OF AMERICA, INC.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 16:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 17:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 18:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 and, based thereon, denies each and every allegation contained therein.

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ANSWERING THE ALLEGATIONS OF PARAGRAPH 19:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 20:

These defendants deny these allegations and contend that these defendants met the standard of care. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation regarding LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL; ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 21:

These defendants deny these allegations and contend that these defendants met the standard of care. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation regarding LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL; ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 22:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 23:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 and, based thereon, denies each and every allegation contained therein.

FIRST CAUSE OF ACTION

The First Cause of Action is not pled against these defendants, however, these defendants answer as follows:

ANSWERING THE ALLEGATIONS OF PARAGRAPH 24:

These defendants incorporate by reference the answers contained in paragraphs 1 - 23, inclusive, of this Answer as though fully set forth herein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 25:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 26:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 27:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 28:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 29:

Defendants admit that in November 2006 ERIC ANDERSON, M.D. was a physician licensed to do business and practice medicine in Clark County, State of Nevada.

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ANSWERING THE ALLEGATIONS OF PARAGRAPH 30:

These defendants admit plaintiff was given pain medication and a shoulder immobilizer. These defendants are without knowledge or information sufficient to form a belief as to the truth of the other allegations contained in paragraph 30 and, based thereon, denies each and every allegation contained therein. Furthermore, these defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL and HOSPITAL CORPORATION OF AMERICA, INC.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 31:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 32:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 as it is unintelligible as stated and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 33:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 34:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 and, based thereon, denies each and every allegation contained therein.

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ANSWERING THE ALLEGATIONS OF PARAGRAPH 35:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 and, based thereon, denies each and every allegation contained therein.

SECOND CAUSE OF ACTION

ANSWERING THE ALLEGATIONS OF PARAGRAPH 36:

These defendants incorporate by reference the answers contained in paragraphs 1 - 35, inclusive, of this Answer as though fully set forth herein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 37:

Defendants admit that in November 2006 ERIC ANDERSON, M.D. was a physician licensed to do business and practice medicine in Clark County, State of Nevada.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 38:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 39:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 as it is unintelligible as stated and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 40:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 and, based thereon, denies each and every allegation contained therein.

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ANSWERING THE ALLEGATIONS OF PARAGRAPH 41:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 42:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 43:

These defendants admit ERIC ANDERSON, M.D. saw plaintiff, JOAN G. LOZOYA at Mountain View Hospital on or about November 8, 2006. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation regarding LINDSY BLAKE, M.D.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 44:

These defendants admit plaintiff was given pain medication and a shoulder immobilizer. These defendants are without knowledge or information sufficient to form a belief as to the truth of the other allegations contained in paragraph 44 and, based thereon, denies each and every allegation contained therein. Furthermore, these defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL and HOSPITAL CORPORATION OF AMERICA, INC.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 45:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 46:

These defendants deny the allegation contained in paragraph 46. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation regarding LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 47:

These defendants deny the allegation contained in paragraph 47. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation regarding LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 48:

These defendants deny the allegation contained in paragraph 48. These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation regarding LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 49:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 50:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 51:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 51 and, based thereon, denies each and every allegation contained therein.

THIRD CAUSE OF ACTION

The Third Cause of Action is not pled against these defendants, however, these defendants answer as follows:

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ANSWERING THE ALLEGATIONS OF PARAGRAPH 52:

These defendants incorporate by reference the answers contained in paragraphs 1 - 51, inclusive, of this Answer as though fully set forth herein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 53:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 54:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 55:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55 as it is unintelligible as stated and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 56:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 56 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 57:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 57 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 58:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 59:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 60:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 60 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 61:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 61 and, based thereon, denies each and every allegation contained therein.

ANSWERING THE ALLEGATIONS OF PARAGRAPH 62:

These defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 62 and, based thereon, denies each and every allegation contained therein.

AS A FIRST, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

1. Any and all events and happenings in connection with the allegations contained in the plaintiff's Second Amended Complaint were proximately caused and contributed to by the negligence and other legal fault of plaintiffs and were further proximately caused and contributed to by the negligence or legal fault of other persons or entities other than the plaintiff. If plaintiff recover any sum whatsoever herein, such amount must be reduced in proportion to the extent that plaintiff's own negligence and other's legal fault proximately caused or contributed to plaintiff's claimed injuries and damages. If there is a verdict in favor of plaintiff and against these defendants, said verdict should be in proportion to these answering defendants' pro rata responsibility. To the extent that it is necessary, these

answering defendants may be entitled to partial indemnity from others on a comparative fault basis.

AS A SECOND, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

2. At the time of trial, defendants may elect to limit or diminish plaintiff's alleged damages or losses as provided and authorized by California Civil Code §§ 3333.1 and 3333.2, and California Code of Civil Procedure § 667.7.

AS A THIRD, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

3. The liability, if any, of these answering defendants are further limited by the provisions of Proposition 51 as set forth in California Civil Code §§ 1431, 1431.1, 1431.2, 1431.3, 1431.4, and 1431.5.

AS A FOURTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

4. The allegations of plaintiff's Second Amended Complaint and every cause of action contained therein fail to state a claim upon which relief may be granted.

AS A FIFTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

5. Defendants are immune from liability for any happenings or injuries, as alleged, pursuant to Civil Code § 1714.8.

AS A SIXTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

6. This action is barred by the statute of limitations as set forth in California Code of Civil Procedure, Section 340.5, and all other applicable statutes of limitations.

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AS A SEVENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

7. If these answering defendants should be found liable to plaintiff, these defendants are entitled to an offset or reduction and plaintiff is barred from recovering any and all amounts paid for plaintiff's alleged injuries by way of settlement or judgment of any claim, incident of lawsuit which may have contributed to the injuries alleged.

AS A EIGHTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

8. Pursuant to the Code of Civil Procedure § 875, in the event a money judgment is rendered jointly against these defendants and one or more codefendant, a right of contribution shall be administered in accordance with the principles of equity.

AS A NINTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

9. That certain limitations in regard to fees shall apply to any recovery for damages pursuant to Business and Professions Code § 6146.

AS A TENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

10. Plaintiff failed to reasonably mitigate the alleged injuries and damages as alleged, though such allegations are denied in whole and in part.

AS A ELEVENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

11. Plaintiff was fully informed of the risks and benefits associated with the medical care and treatment performed by defendants and expressly and/or impliedly assumed each and every risk associated with undergoing or refusing to undergo said treatment.

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AS A TWELFTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

12. That these answering defendants are immune from liability pursuant to Business and Professions Code Sections 2396 and 2397 as well as Health and Safety Code Section 1317.

AS A THIRTEENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS ALLEGE:

13. Defendants reserve the right to raise additional affirmative defenses at any time up to and including the time of trial.

WHEREFORE, these answering defendants pray for judgment as follows:

1. That plaintiff takes nothing by way of the Second Amended Complaint;
2. For costs of suit incurred, including attorney fees; and
3. For such other and further relief as the court may deem just and proper.

DATED: August 13, 2008

LAW + BRANDMEYER, LLP

By */s/ Yuk K. Law*
YUK K. LAW, ESQ.
Attorney for Defendant
ylaw@lawbrandmeyer.com
ERIC ANDERSON, M.D. and FREMONT EMERGENCY SERVICES, INC. (erroneously sued and served herein as FREEMONT EMERGENCY SERVICE, INC.)

DEMAND FOR JURY TRIAL PURSUANT TO RULE 38

FEDERAL RULES OF CIVIL PROCEDURE

Defendants, ERIC ANDERSON, M.D. and FREMONT EMERGENCY SERVICES, INC. hereby demand a trial by jury of each issue triable in the instant lawsuit.

DATED: August 13, 2008

LAW + BRANDMEYER, LLP

By *[/s/ Yuk K. Law]*
YUK K. LAW, ESQ.
Attorney for Defendant
ylaw@lawbrandmeyer.com
ERIC ANDERSON, M.D. and FREMONT EMERGENCY SERVICES, INC. (erroneously sued and served herein as FREEMONT EMERGENCY SERVICE, INC.)

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 245 S. Los Robles Ave., Suite 600, Pasadena, CA 91101.

On August 13, 2008, I served the foregoing document described as:

ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL OF DEFENDANTS ERIC ANDERSON, M.D. AND FREMONT EMERGENCY SERVICES, INC.

on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED MAILING LIST

[X] (BY MAIL)
[ ] I deposited such envelope in the mail at Pasadena, California. The envelope was mailed with postage thereon fully prepaid.
[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Pasadena, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
Executed on August 13, at Pasadena, California.

[ ] (BY FACSIMILE)
[ ] I served by facsimile a true copy of the above-described document. I am "readily familiar" with this firm's practice of processing correspondence by fax. Under that practice documents are placed in our fax machine and are processed and received simultaneously at their destination. The above-referenced document(s) was placed in the fax machine with all costs of faxing prepaid, directed to each party (using their fax number), listed on the attached Service List. Once the document has been transmitted, the fax machine provides a report indicating time of completion.
Executed on ??, at Pasadena, California.

[ ] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[X] (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Jeremiah P. Webb
Jeremiah P. Webb

SERVICE LIST

Re: Joan G. Lozoya v. Eric J. Anderson, M.D., et al.
Case No.: 07CV-2148IEG (WMC)

Frank J. Lozoya IV
Law Offices of Lozoya & Lozoya
15060 Ventura Boulevard
Suite 211
Sherman Oaks, CA 91403
818.789.7150 Telephone
818.789.7190 Facsimile
fj.lozoya@lozoyalaw.com
Attorney for Plaintiff

Kyle Anthony Cruse
Dummit Briegleb Boyce and Buchholz
525 B Street
Suite 1400
San Diego, CA 92101
619.231.7738 Telephone
619.231.0886 Facsimile
kyle.cruse@dbtlaw.org
Attorneys for Co-Defendants
Hospital Corporation of America, Inc. and Mountain View Hospital